



RESTRICTION ELECTION FACSIMILE TRANSMISSION

FAX RECEIVED
APR 29 2002
GROUP 1600

OFFICIAL

BEST AVAILABLE COPY

DATE: April 26, 2002

FROM/ATTORNEY: Emily Holmes

FIRM: The Scripps Research Institute

PAGES, INCLUDING COVERSHEET: 4 pages

PHONE NUMBER: (858) 784-2937

TO EXAMINER: A. M. DeCloux

ART UNIT: 1644

SERIAL NUMBER: 09/715,891

FAX/TELECOPIER NUMBER: (703) 308-4315

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS:

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE
TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 1096 OG 30, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE
DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT
DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE
OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN(S) INFORMATION FROM THE UNITED
STATES PATENT AND TRADEMARK OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THIS
INFORMATION IS FOR THE USE OF THE INDIVIDUAL OR FIRM NAMED ON THIS SHEET. IF YOU ARE NOT THE INTENDED
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY
ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. THE DOCUMENTS SHOULD
BE RETURNED TO THE PATENT AND TRADEMARK OFFICE IMMEDIATELY. IF THIS FACSIMILE IS RECEIVED IN ERROR,
PLEASE NOTIFY THE ATTORNEY LISTED HEREON IMMEDIATELY.

BEST AVAILABLE COPY

8 / B

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**CERTIFICATE OF MAILING**

I hereby certify that this RESPONSE TO RESTRICTION REQUIREMENT and the documents referred to as enclosed therein are being delivered by FACSIMILE TRANSMISSION under the Fax Response Pilot for Written Restriction Requirements to 703-308-4315 on the date indicated below by addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Nancy Barker
Nancy Barker

4/26/02
Date of Deposit

Applicant: Webb, et al.

Serial No.: 09/715,891

Filed: November 17, 2000

Title: MHC CLASS II ANTIGEN PRESENTING
SYSTEMS AND METHODS FOR
ACTIVATING CD4⁺ T CELLS

) Group Art Unit: 1644

) Examiner: A. M. DeCloux

) Our Ref.: TSRI 536.1 Div 2

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This communication is in response to the Restriction Requirement mailed March 26, 2002 (Paper No. 7), within the one month non-extension period, thus the response is a timely filing.

The Examiner has indicated in the Action that pending claims 61-84 and 114-148 comprise six groups of inventions for purposes of examination. The Examiner further indicated that specific species must also be elected to which the claims would be restricted in the event that a generic claim is not allowable. The response must also identify the claims readable on the elected species, including any claims subsequently added.

BEST AVAILABLE COPY

Serial No. 09/715,891
April 26, 2002

2

TSRI 536.1 Div 2

Applicants hereby elect Group I which includes claims 61-82. Please cancel claims 83, 84, and 114-148. The cancellation is without prejudice to Applicants' right to pursue the claimed subject matter in a timely-filed continuation application. The cancellation is expressly not to be construed as an abandonment of the subject matter.

Applicants hereby elect, with traverse, the species listed below if no generic claim is finally held to be allowable. The Action also requests that Applicants identify those claims that read on the species elected under paragraph 3. They are provided in parentheses.

- 1) human α -chain gene as recited in claim 64 and preferably HLA-DP as recited in the specification for a specific MHC Class II α -chain gene recited in the Action at paragraph 3, part I, (readable on claims 61-81);
- 2) human β -chain gene as recited in claim 64 and preferably HLA-DP as recited in the specification for a specific MHC Class II β -chain gene recited in the Action at paragraph 3, part II, (readable on claims 61-81);
- 3) the combination of a costimulatory molecule as recited in claim 71 and an adhesion molecule as recited in claim 73 for a specific combination of specific accessory molecules recited in the Action at paragraph 3, part III, (readable on claims 61-74, 77-78, and 81);
- 4) B7.1 as recited in claim 72 for a specific costimulatory molecule recited in the Action at paragraph 3, part IIIa, (readable on claims 61-72, 77-78, and 81);
- 5) I-CAM as recited in claim 74 for a specific adhesion molecule recited in the Action at paragraph 3, part IIIb) (readable on claims 61-70, 73-74, 77-78, and 81);
- 6) an insect cell as recited in claim 68 for a specific cell recited in the Action at paragraph 3, part IV, (readable on claims 61-81); and
- 7) Drosophila as recited in claim 69 for insect cell recited in the Action at paragraph 3, part IVa), (readable on claims 61-81).

BEST AVAILABLE COPY

Serial No. 09/715,891
April 26, 2002

3

TSRI 536.1 Div 2

Applicants traverse the restriction of the above species recited in paragraph 3 of the Action on the basis that the generic claims, including those now canceled in the present response, recite a multiplicity of species that do not require an unduly extensive and burdensome search. All the generic claims recite as a common element the synthetic antigen presenting cell. A search of the prior art with the synthetic antigen presenting cell as specified in the context of the present invention generically will result in a compilation of all the elements of the matrix without undue burden.

Applicants request entry of the above-identified response to the Restriction Requirement.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments regarding the subject application to our Deposit Account No. 19-0962.

Respectfully submitted,

April 26, 2002
Date

Emily Holmes
Emily Holmes, Reg. No. 40,652

THE SCRIPPS RESEARCH INSTITUTE
10550 North Torrey Pines Road
Mail Drop TPC 8
La Jolla, California 92037
(858) 784-2937

P:\Emily\WP\OAS\SCR2288P.RR